

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

UNITED STATES OF AMERICA §  
§  
VS. § CRIMINAL NO. G-01-22-SS (02)  
§ CIVIL ACTION NO. G-05-204  
THOMAS McBARRON §

**OPINION AND ORDER**

Before the Court is the “ Motion for Appointment of Counsel & Discovery” of Thomas McBarron, Movant in this §2255 proceeding. Having considered the motion and the Government’s response the Court issues this Opinion and Order.

As the Government correctly points out, there is no constitutional right to counsel in a §2255 proceeding. United States v. Vasquez, 7 F.3d 81, 83 (5<sup>th</sup> Cir. 1993) Furthermore, this Court, through experience, is convinced that McBarron possesses enough skill and intelligence to represent himself. Therefore, unless or until the Court determines that an Evidentiary Hearing will be necessary, McBarron’s request for appointment of counsel (Instrument no. 339) is **DENIED**.

To support his request for discovery, McBarron claims that the Government, by withholding certain computer files seized during a search of his residence, is suppressing “evidence that Petitioner is not guilty of the crimes the Government has convicted him of.” However, McBarron has not identified any particular evidence in the Government’s possession which he deems to be favorably to him. To merit discovery in a §2255 proceeding the movant must show “good cause” to support his requests. Conclusory allegations unsupported by specifics are insufficient. Perillo v. Johnson, 79 F.3d 441, 444 (5<sup>th</sup> Cir. 1996) McBarron has

made no showing of good cause to justify an Order compelling discovery from the Government. McBarron's motion (Instrument no. 339) is, therefore, **DENIED** insofar as it seeks discovery from the Government.

Insofar as McBarron seeks discovery from his prior attorney, Stanley Schneider, his motion is improper. Schneider is not a party to these proceedings and, therefore, is not properly before the Court. Accordingly, McBarron's motion (Instrument no. 339) seeking discovery from Schneider is **DENIED**.

**DONE** at Galveston, Texas, this       12th       day of October, 2005.



John R. Froeschner  
United States Magistrate Judge